

FILED 07 SEP 10 08:42 USC-ORF

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ALICE MAKER,

06-CV-731-PK

Plaintiff,

ORDER

v.

**CITY OF TILLAMOOK, OREGON,
and OFFICER STEVE SMALL,**

Defendants.

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BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#37) on June 21, 2007, in which he recommended the Court deny Defendants' Motion for Summary Judgment (#11) and deny Plaintiff's Motion for Summary Judgment (#26). Plaintiff and Defendants filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has carefully considered both parties' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

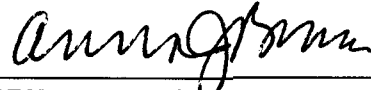
CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#37), **DENIES** Defendants' Motion for Summary

Judgment (#11), and **DENIES** Plaintiff's Motion for Summary Judgment (#26).

IT IS SO ORDERED.

DATED this 6th day of September, 2007.

A handwritten signature in black ink, appearing to read "Anna J. Brown", written over a horizontal line.

ANNA J. BROWN
United States District Judge